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Edward Egan Smith (State Bar No. 169792)
2 Simon R. Goodfellow (State Bar No. 246085)
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6 Attorneys for Defendant
Downey Savings and Loan Association, F.A.
7

8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**
11

12 REVEREND WILL HARDEMAN,
13 Plaintiff,

14 FAUZIA FARZANA, PRIMEWEST
15 RESIDENTIAL LOANS, INC., DOWNEY
16 SAVINGS AND LOAN ASSOCIATION,
17 F.A., DSL SERVICE COMPANY,
FORECLOSURE CONSULTANTS, INC.,
and DOES 1-10,
18 Defendants.

Case No. C07-02317 EMC

STIPULATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER;
AND ORDER

Judge: Magistrate Judge Edward M. Chen

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1 Plaintiff Will Hardeman, on the one hand, and defendants Downey Savings and Loan
2 Association, F.A., ("Downey Savings"), Foreclosure Consultants, Inc. ("FCI") and DSL Service
3 Company ("DSL") (collectively "defendants"), on the other hand, through counsel, hereby enter
4 into the following stipulation:

5 WHEREAS, Hardeman is the owner of that certain real property commonly known as
6 2687 76th Avenue, Oakland, California ("Subject Property"); and

7 WHEREAS, Downey Savings is the named beneficiary under a Deed of Trust in the
8 original principal amount of \$352,500 recorded against the Subject Property on April 24, 2006,
9 as Document No. 2006159351 in the official records of Alameda County ("Downey Deed of
10 Trust"); and

11 WHEREAS, on October 3, 2006, defendants caused a Notice of Default under the
12 Downey Deed of Trust to be recorded in the official records of Alameda County and, thereafter,
13 on or about January 4, 2007, defendants caused a Notice of Trustee's Sale under the Downey
14 Deed of Trust to be recorded in the official records of Alameda County, setting a trustee's sale of
15 the Subject Property for February 6, 2007; and

16 WHEREAS, on January 24, 2007, Hardeman filed a Complaint for Damages, Declaratory
17 and Injunctive Relief against Downey Savings and others in the action entitled Hardeman v.
18 Farzana, et al., Alameda Superior Court Case No. RG 07307970, in which Hardeman sought,
19 among other things, injunctive relief against Downey Savings' foreclosure under the Downey
20 Deed of Trust ("State Action"); and

21 WHEREAS, on April 28, 2007, Downey Savings removed the State Action to this Court
22 pursuant to 28 U.S.C. § 1441(b) based on the federal question raised by Hardeman's claims
23 under the federal Truth in Lending Act; and

24 NOW, THEREFORE, the parties hereby stipulate, through counsel, that:

25 1. Defendants Downey, FCI and DSL, and each of them, their agents, servants, and
26 employees, and all persons acting under, in concert with, or for them are restrained from
27 conducting a trustee's sale, recording a new notice of default, recording a new notice of sale, or
28 undertaking any other acts, courses of conduct, or steps to non-judicially foreclosure against that

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1 certain real property commonly referred to as 2687 76th Avenue, Oakland, California at any time
2 prior to August 15, 2007; and

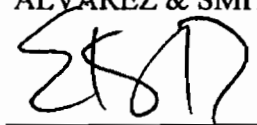
3 5. This stipulation may be executed in counterpart and a facsimile signature shall be
4 valid for all purposes.

5
6 Dated: June 22, 2007

By: 
Dorothy D. Guillory
Attorney for Plaintiff Rev. Will Hardeman

7
8 July 2
9 Dated: June 2, 2007

STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

10
11 By: 
Edward Egan Smith
Attorneys for Defendant Downey Savings
and Loan Association, F.A.

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14
15 Dated: June ___, 2007

By: _____
Christine M. Humphries, Esq.
Attorney for Defendants DSL Service
Company and Foreclosure Consultants, Inc.

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18 **ORDER**

19 Pursuant to the above stipulation between the parties, and good cause appearing therefore,
20 IT IS HEREBY ORDERED THAT:

21 Defendants Downey, FCI and DSL, and each of them, their agents, servants, and
22 employees, and all persons acting under, in concert with, or for them are restrained from
23 conducting a trustee's sale, recording a new notice of default, recording a new notice of sale, or
24 undertaking any other acts, courses of conduct, or steps to non-judicially foreclosure against that
25 certain real property commonly referred to as 2687 76th Avenue, Oakland, California at any time
26 prior to August 15, 2007.

27 Dated: June ___, 2007

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Edward M. Chen
U.S. Magistrate Judge

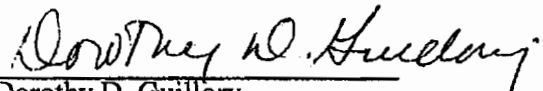
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Attorney for Plaintiff Rev. Will Hardeman

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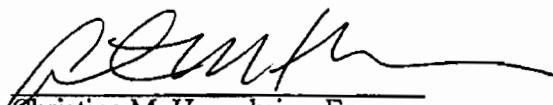
STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

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11
12 By:

Edward Egan Smith
Attorneys for Defendant Downey Savings
and Loan Association, F.A.

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14
15 Dated: June 2, 2007

By:

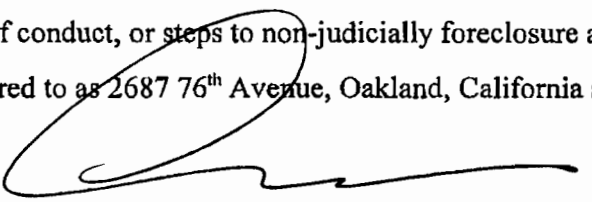

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26 prior to August 15, 2007.

27 Dated: June __, 2007


Edward M. Chen
U.S. Magistrate Judge